

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOE ELTON MOSLEY LLC,

Case No. 3:20-cv-00184-MMD-WGC

Plaintiffs,

ORDER

WALMART, *et al.*,

Defendants.

11 Plaintiff Joe Elton Mosley LLC (“Mosley LLC”) has brought this *pro se* action against
12 Walmart and its security manager Jimmy White for allegedly having guns drawn on Joe
13 Elton Mosley the individual (“Individual Mosley”) while he was at Walmart with his family,
14 and for calling the police on them. (ECF No. 3 at 4-5.) United States Magistrate Judge
15 William G. Cobb issued a Report and Recommendation of (“R&R”), recommending that
16 the Court dismiss this action and deny Plaintiff’s *in forma pauperis* (“IFP”) application (ECF
17 No. 1) as moot. (ECF No. 3.) Plaintiff had until April 9, 2020 to file an objection. The Court
18 accepted the R&R on April 10, 2020, both because Plaintiff had not objected and because
19 the Court agreed with Judge Cobb after conducting a *de novo* review. (ECF No. 5.)
20 However, after the Court’s order was docketed, the Court learned that Plaintiff filed his
21 objections on April 6, 2020, before the April 9, 2020 deadline (ECF No. 7)¹. Having now
22 reviewed Plaintiff’s objections, the Court reaffirms its prior order adopting the R&R (ECF
23 No. 5). The Court addresses Plaintiff’s objections in turn.

24 Although Plaintiff's objections are at times unclear, it appears he is challenging
25 Individual Mosley's underlying arrest and conviction. (ECF No. 7 at 2-3.) Moreover, Plaintiff

1 has attached documents that he purports is evidence that Mosley LLC is a validly "private
2 entity," not a corporation. (See *id.* at 1; ECF No. 7-1.) Nevertheless, Plaintiff does not
3 dispute that this action is duplicative of a previously filed action in case number 3:20-cv-
4 184-MMD-WGC. (ECF No. 3 at 5 (citing to *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d
5 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880
6 (2008).)

7 For the foregoing reasons, the Court finds that it correctly adopted the R&R (ECF
8 No. 3).

9 It is therefore ordered that Plaintiff's objections (ECF No. 7) are overruled. This
10 Court's order (ECF No. 5) and judgment (ECF No. 6) stands.

11 DATED THIS 13th day of April 2020.
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14 MIRANDA M. DU
15 CHIEF UNITED STATES DISTRICT JUDGE
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